



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

SPILL THE BEANS, INC., STB	§	
ENTERPRISES, LLC, ROGER A. CURTIS,	§	
LYNDA CURTIS, PETER HANSEN,	§	
and DAVID WILSON,	§	
Plaintiffs,	§	
vs.	§	CIVIL ACTION NO. 6:06-0106-HFF
	§	
SWEETREATS, INC. and	§	
ROBERT CARLTON,	§	
Defendants.	§	

ORDER

In its Order, dated September 8, 2009, the Court required the filing of documents regarding the settlement agreement issue in this case. Plaintiffs, however, have filed a notice that they do not wish to pursue the settlement agreement issue. Defendants have declined to join in the notice.

The Court also directed the parties that the briefing schedule set out in its September 23, 2008, Order was to commence on September 8, 2009. In the September 23, 2008, Order, the Court gave Defendants the choice as to whether they wished to pursue certain of their claims against Plaintiffs. In that briefing has not occurred, the Court assumes that Defendants have decided not to go forward on those claims. The parties were mandated, however, to provide briefing on the commencement date issue. But the parties have not filed those briefs.

In the September 23, 2008, Order, the Court also ordered that Plaintiffs provide to the Court proof that they were not in violation of the non-compete article and the Court's September 27, 2007, Order as to both of the Greenville locations. Plaintiffs have failed to provide such proof.

With this background in mind, and assuming that settlement does not occur, the Court hereby sets a hearing in this matter for 3:00 p.m on Wednesday, December 2, 2009, in the Second Floor Courtroom at the Federal Courthouse located at 201 Magnolia Street, Spartanburg, South Carolina. All parties shall be at the hearing.

All pending matters will be heard on that date--by way of argument and/or testimony--including, but not necessarily limited to, (1) the settlement agreement issue; (2) the commencement date for the restriction period of the non-compete provision; (3) Plaintiffs' Counsel's Motion to be Relieved; and (4) the issues of sanctions, costs, fees, contempt (criminal and civil), and other appropriate penalties and relief. The contempt issue before the Court is whether Plaintiffs are in either criminal and/or civil contempt for violating the Court's previous orders in this case.

Within five days of the filing of this Order, Plaintiffs' counsel shall brief the Court on the settlement agreement issue and provide appropriate affidavits and other documentation. Within five days thereafter, Defendants' counsel shall file its response, along with supporting affidavits and other documentation. Moreover, within five days of this Order, Defendants shall provide further briefing on the commencement date issue. Plaintiffs shall file their response five days thereafter.

Forthwith, but not later than five days from the filing of this Order, Plaintiffs' Counsel shall, by personal service, serve Plaintiffs with a copy of this Order. Within five days of this Order, Plaintiff's Counsel shall also explain to Plaintiffs that this hearing will include both civil and criminal contempt proceedings, the possibility of incarceration, and the need for representation.

Plaintiffs' Counsel shall file an affidavit stating that they have complied with this directive within seven days of the filing of this Order.

IT IS SO ORDERED.

Signed this 4th day of November, 2009, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE